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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,653	06/27/2001	Daniel Dedu-Constantin	MS146953.1	6973
27195	7590	10/20/2005	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/894,653	DEDU-CONSTANTIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan Y. Chen	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10,13-16 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13-16 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/27/2005 has been entered.

This office action is in response to amendment filed on 07/27/2005.

Claims 1-2, 5-10, 13-16 and 27 are pending for examination, claims 1, 8 and 27 have been amended.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 5-10, 13-16 and 27, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As to claim 1, 8, and 27, it is not understood how the claimed XML data document component and the data set component being mapped to each other [i.e., what is the mapping mechanism, who did the mapping and how?]

As to claims 2, 5-7, 9-10 and 13-16, these claims have the same defects as their base claims, hence are rejected for the same reason.

Because the ambiguous nature of instant invention, the following art rejection is to the best the examiner is able to ascertain.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10, 13-16 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandersluis (U.S. Patent No. 6,356,920) in view of Kanai et al. (U.S. Publication No. 2005/0149572).

As to claims 1, 8, 10 and 27, Vandersluis discloses a dynamic hierarchical data exchange system with method/means/executable computer program medium for accessing data [e.g., see Title, Abstract, col. 5, lines 1-42], comprising:

- a) a parser for retrieving and parsing information associated with a data source [e.g., the Parsing Code unit of Fig. 2, Steps 45, 47, Fig. 7, the XML parser at col. 11, lines 62-66];
- b) an XML data document component receives at least part of the parsed information and having a hierarchical representation information associated with the data source [e.g. the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig. 4b; Fig. 2; col. 2, lines 36-53; Steps 119-124; Fig. 12 and associated texts];
- c) a data set component receives part of the parsed information and having a relational presentation information of at least some of the information associated with the data source [e.g. the Data Definition Files (204, 207) of the Authoring System (203), Fig. 15, col. 5, line 56 – col. 6, line 10; Fig. 16];
- d) a structural inference component to infer a relational structure of the data source [e.g., Abstract, lines 16-21; the XML links, col. 11, lines 44-52; the Hierarchical Data Server (HDS) component col. 12, lines 5 – 23];
- e) a schema component receiving data describing a relational structure of the source data [e.g., the SQL Subtree building schema, Fig. 11 and associated texts];
- f) the data set component and the data document component being mapped to each other [e.g., the Join code processing of Fig. 13 and associated texts].

Vandersluis did not specifically disclose the system having a schema component that receives a schema.

However, Kanai et al. (hereinafter referred as Kanai) discloses a system having a schema component [e.g., the meta-data server, 200, Fig. 6] that receives a schema. [e.g., page 3, paragraph 0048 – Page 4, paragraph 0053, Fig.(s) 5 - 6 and associated texts; Note: a meta-data in a schematic configuration is a schema because it describes the rules for a data structure].

Vandersluis and Kanai are both in the same endeavor to optimizing dynamic data document processing over Internet via customers requests, therefore, with the teachings of Vandersluis and Kanai in front of him/her, it would have been obvious for an ordinary skilled person in the art being motivated to modify Vandersluis' with the well-known technique as taught by Kanai to build a combined system having a schema component that receives a schema, because by doing so, as suggested the combined system will be upgraded for systematically registering a meta-data (or a schema) with respect to various types of individual data so as to facilitate the sophisticated retrieval or application program construction by using the meta-data (or a schema) [e.g., Kanai: Page 2, paragraph 0024].

As to claims 2, 9, and 13 the combined system of Vandersluis and Kanai further discloses that the source data including XML document and a relational database document [e.g., Vandersluis: Abstract, lines 16-21; col. 5, lines 19-25].

As to claims 5 and 14, the combined system of Vandersluis and Kanai further discloses a managed provider [e.g., the Hierarchical Data Server (HDS), Fig. 15] for accessing a relational database document, the managed provider providing information associated with the relational database document to at least one of the data set component [e.g. Vandersluis: col. 5, lines 45-55].

As to claims 6 and 15, the combined system of Vandersluis and Kanai further discloses the system comprising a service facilitating access to the hierarchical representation of information stored in the data document component [e.g. Vandersluis: the Drag & Drop service, col. 11, lines 37-38].

As to claims 7 and 16, the combined system of Vandersluis and Kanai further discloses the system comprising a designer facilitating access to the relational representation of information stored in the data set component [e.g., Vandersluis: the Command Line Program Interface, Col. 12, lines 16-18]

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 5-10, 13-16 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

To expedite the process of examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

"X-Schema", publish by Mark Birbeck on Jun 23, 1999 at the <http://mailman.ic.ac.uk/pipermail/xml-dev/1999-June/013125.html>: which discloses an example to use X-schema with embedded x-schema calls in a document and associated advantages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

October 13, 2005



UYEN LE  
PRIMARY EXAMINER